

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF WEST VIRGINIA**

**PAUL ANDERS,**

**Petitioner,**

**v.**

**Civil Action No. 5:07cv106  
(Judge Stamp)**

**WAYNE A. PHILLIPS,**

**Respondent.**

**ORDER GRANTING IN FORMA PAUPERIS BUT DIRECTING  
PETITIONER TO PAY THE \$5.00 FILING FEE**

On August 20, 2007, the *pro se* petitioner initiated this case by filing an Application for Habeas Corpus Pursuant to 28 U.S.C. § 2241. This case is before the undersigned on the petitioner's Application for Leave to Proceed In Forma Pauperis, executed Consent to Collection of Fees form, and Prisoner Trust Account Report.

All litigants are required to pay the costs and fees associated with civil lawsuits unless their financial condition warrants a grant of *in forma pauperis* status pursuant to 28 U.S.C. § 1915. Therefore, if a petitioner submits a certified copy of his trust fund statement for the six-month period immediately preceding the filing of the action, then the Court may consider his request. Here, the petitioner asserts in his application (sworn to under penalty of perjury) that he is not employed, that he receives no money from outside sources, and that he has no assets or other means of support. However, the petitioner's prison trust account report shows that at the time this case was filed, the petitioner's prisoner account had a balance of \$187.74. Moreover, in the six months preceding the filing of this action, the petitioner's prisoner account received average monthly deposits of \$97.00. Therefore, although the petitioner is a pauper, he does have sufficient means to pay the required

filing fee.

Accordingly, the petitioner's motion to proceed *in forma pauperis* (dckt. 4) is **GRANTED**. However, he will be required to pay the \$5.00 filing fee within **twenty (20) days** from the date of this Order. The failure to do so could result in the dismissal of this case without further notice.

IT IS SO ORDERED.

The Clerk is directed to send a copy of this Order to the *pro se* petitioner.

DATED: September 19, 2007.

/s John S. Kaull  
JOHN S. KAULL  
UNITED STATES MAGISTRATE JUDGE